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## TRANSMITTAL FORM

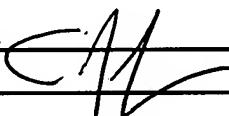
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|   |                        |                      |
|---|------------------------|----------------------|
| TRANSMITTAL<br>FORM<br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/065,546           |
|   | Filing Date            | October 29, 2002     |
|   | First Named Inventor   | Steven Neiman et al. |
|   | Art Unit               | 2195                 |
|   | Examiner Name          | Eric C. Wai          |
| Total Number of Pages in This Submission  | Attorney Docket Number | 36287.03400          |

### ENCLOSURES (Check all that apply)

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental)<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Remarks</div> | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):<br>Information Disclosure Citation (1 pg.); Certificate of Mailing by Express Mail EV 251 631 783US |
|--|--|---|

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                    |   |
|--------------------|---|
| Firm or Individual | Christopher J. Gaspar<br>Milbank, Tweed, Hadley & McCloy, LLP<br>1 Chase Manhattan Plaza, NY NY 10005 |
| Signature          |                    |
| Date               | June 25, 2007   |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: June 25, 2007

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| Typed or printed | Sandina M. Marino   |
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| Date             | June 25, 2007   |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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| <b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> |  | Docket No.<br>36287.03400 |
|---|--|---------------------------|

|              |   |   |
|--------------|---|---|
| Appl. No.    | : | 10/065,546  |
| Applicants   | : | Steven Neiman <i>et al.</i>   |
| Filed        | : | October 29, 2002  |
| TC/A.U.      | : | 2195  |
| Examiner     | : | E. Wai  |
| Docket No.   | : | 36287-03400   |
| Customer No. | : | 27171   |
| Title        | : | <b><i>System and Method for Allocating Computer Resources of a Distributed Computing System</i></b> |

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Sandina M. Marino

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Signature of Person Mailing Correspondence

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("Express Mail" Mailing Label Number)



Patent  
Docket No. 36287-03400  
Express Mail Label No. EV 251 631 783 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/065,546  
Applicants : Steven NEIMAN et al.  
Filed : October 29, 2002  
TC/A.U. : 2195  
Examiner : Eric Charles Wai

Docket No. : 36287-03400  
Customer No. : 27171  
Title : *System and Method for Allocating Computing Resources of a Distributed Computing System*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS

P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
  

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2. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
  
3. [ ] Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [ ] Continuation, [ ] Divisional or [ ] Continuation-In-Part application under 37 C.F.R. §1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

06/26/2007 HVUONG1 00000087 10065546

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NY2:#4746183

4. [ ] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

[ ] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

[ ] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.

[ ] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [ ] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [ X ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

[ X ] A check in the amount of \$180.00 is enclosed in payment of the fee.

[ ] Charge the fee to Deposit Account No. 13-3250. Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

b. the attached petition requesting consideration of this Information Disclosure Statement; and

c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

a. [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim

unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;

b. [ ] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.

c. [ ] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. [ ] I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

[ ] I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [X] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i).

[ ] Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 13-3251 Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

[X] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-3250. Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MILBANK, TWEED, HADLEY & McCLOY LLP

June 25, 2007

  
Christopher J. Gaspar  
Reg. No. 41,030

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
36287-03400SERIAL NO.  
10/065,546

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

## APPLICANTS

Steven Neiman, et al.

FILING DATE  
October 29, 2002GROUP ART UNIT  
2195

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE    | NAME              | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|---------|-------------------|-------|----------|----------------------------|
|                  | 4,885,684       | 12-1989 | Austin et al.     |       |          |                            |
|                  | 5,031,089       | 07-1991 | Liu et al.        |       |          |                            |
|                  | 5,996,054       | 11-1999 | Ledain et al.     |       |          |                            |
|                  | 5,546,582       | 8-1996  | Brockmeyer et al. |       |          |                            |
|                  | 6,112,023       | 8-2000  | Dave et al.       |       |          |                            |
|                  | 6,202,080       | 3-2001  | Lu et al.         |       |          |                            |
|                  | 6,253,273       | 6-2001  | Blumenau          |       |          |                            |
|                  | 6,438,553       | 8-2002  | Yamada            |       |          |                            |
|                  | 2003/0093467    | 5-2003  | Anderson          |       |          |                            |
|                  | 2003/0093627    | 5-2003  | Neal et al.       |       |          |                            |
|                  | 6,625,646       | 9-2003  | Skovira           |       |          |                            |
|                  | 6,915,212       | 7-2005  | Kamps             |       |          |                            |
|                  | 6,950,945       | 9-2005  | Pfister et al.    |       |          |                            |
|                  | 7,010,607       | 3-2006  | Bunton            |       |          |                            |
|                  | 7,047,299       | 5-2006  | Curtis            |       |          |                            |
|                  |                 |         |                   |       |          |                            |
|                  |                 |         |                   |       |          |                            |
|                  |                 |         |                   |       |          |                            |
| EXAMINER         | DATE CONSIDERED |         |                   |       |          |                            |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.